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Chairperson: Ms. Chanet
later: Mr. Solari Yrigoyen (Vice-Chairperson)
later: Ms. Chanet (Chairperson)

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06-27000 (E)

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant and of country situations (*continued*)

Fifth periodic report of Norway (*continued*) (CCPR/C/NOR/2004/5, CCPR/C/NOR/Q/5 and Add.1)

Questions 8 to 14 of the list of issues (*continued*) (CCPR/C/NOR/Q/5)

1. *At the invitation of the Chairperson, the delegation of Norway took places at the Committee table.*

2. **Mr. Ruud** (Norway), in reply to questions regarding the number of ethnic minority students at the police academy, said that, regrettably, the number remained low. From 2000 to 2005, 7 to 13 minority students had been admitted out of classes of 240 to 360. Efforts had been made, through a study group and a research project, to determine why police work was not attractive to members of ethnic minorities.

3. The proposed system of frequent police controls of ethnic minority youths had never been put into practice, and the bill had been withdrawn from Parliament. As for the practice of ensuring that the identification of all police officers was clearly displayed to make it easier for victims of police harassment to file reports, the results were not yet available.

4. In reply to questions on detention in police cells, he said that under police guidelines detainees were transferred to regular prison cells within 24 hours, although there was no official regulation to that effect. According to regulations, police detention cells must be furnished, and there were also clear regulations for police to follow about the provision of medical care. The delay in receiving such care varied by location; in some more remote districts medical care might not be available as quickly as in the capital. It was clear that there were not enough regular prison cells to accommodate all those waiting to serve sentences, and additional prisons were being built. Solitary confinement of aliens at the Trondheim detention centre was a measure taken to preserve law and order, but it indicated a need for better regulation, and a working group had been established to study the matter.

5. A number of measures had been taken to raise awareness of domestic violence under the Action Plan to Combat Domestic Violence 2004-2007; they were described in the written replies to the list of issues (CCPR/C/NOR/5/Q/Add.1).

6. With regard to euthanasia, extensive discussions had taken place in the Parliament and the Government on its pros and cons, including ethical considerations, which had led to a political decision by Parliament not to accept the practice. In reply to questions on reopening of court cases, he drew attention to paragraph 157 of the report, which stated that cases would be reopened if further consideration could be expected to lead to another decision, but not in cases where it was clear that new consideration would lead to the same result.

7. A large proportion of the juvenile offenders in detention were located in Oslo, but it was the practice to have them serve their sentences as close to their homes as possible, and therefore they were spread throughout the country after sentencing.

8. With regard to crimes already punishable under the Norwegian Penal Code, the commission of an act for terrorist purposes was considered an aggravating circumstance. The law on freezing of assets also applied to individuals on the United Nations list of persons associated with terrorist groups. A court proceeding was required in order to freeze assets.

9. As for the number of suicides among persons in police detention, in 2002, out of four deaths of detainees, one had been a suicide; in 2003, one of the two deaths had been suicide; in 2004 the one death had been by suicide; in 2005, there had been one death, which was not a suicide.

10. **Ms. Vardøy** (Norway) said that there was no limit on the amount of time asylum-seekers could live in reception centres, and they were free to leave when they wished. Unsuccessful asylum-seekers could return to the reception centre as a temporary solution until a transit centre was established. With regard to the specific case of a girl returned to Kosovo, there was no indication that her death had resulted from her return, although the question remained whether her poor health should have allowed her to remain in Norway on humanitarian grounds. In order to prevent similar

tragedies in the future, contacts between the Norwegian health authorities and their counterparts in countries of origin were being considered. The administration of the United Nations Mission in Kosovo (UNMIK) had a different mandate than the Office of the United Nations High Commissioner for Refugees (UNHCR). The Nordic countries, including Norway, had some disagreements with its policy and were engaged in dialogue towards a solution.

11. Norwegian asylum case law was based on the principle of non-refoulement, and assessments were made on a case-by-case basis. Although it agreed with the assessment guidelines in general, Norway believed that they did not always apply to asylum-seekers from certain countries or regions, for instance Chechnya and Afghanistan.

12. **Mr. Wille** (Norway) said that there was no relevant case law on protecting immigrants from discrimination in the housing market. Statistics on the number of immigrants receiving a housing allowance would be available shortly.

13. On the subject of women's rights and the socialization of children in some religious communities, he said that under the Gender Equality Act internal matters of religious congregations were exempt. Gender equality was important to the Government, however. It had drawn up a plan of action to combat female genital mutilation, which required health professionals to help prevent the practice and report cases. That duty of prevention prevailed over confidentiality requirements.

14. **Ms. Palm** asked for more information on efforts to address the lack of capacity in the prisons and the practical reasons for solitary confinement. She would also like to know whether prisoners being held in police cells could be released if no place was found for them in the regular prison system.

15. On the subject of racial discrimination, she would like to hear more about the system of registration in connection with police checks of minorities mentioned in paragraph 232 of the report, whether it had been effective and had resulted in changes in attitude towards the police, and if not, whether the Government was considering another system.

16. **Mr. Lallah** welcomed the State party's recognition of the extraterritoriality of the Covenant and the delegation's explanation that in order to prosecute crimes already punishable under the Penal Code in the context of the fight against terrorism, it would have to be proved that the accused's intention was to commit a terrorist act. Noting that the new international focus on terrorism could have implications for human rights, he wondered how terrorism investigations took place in practice, including for example whether judicial authorization was needed for police actions which might constitute violations of the Covenant, whether the police had to provide justification for their actions before a court and whether a record was kept of any such proceeding. Furthermore, he asked whether there was any structure to ensure that the information provided by the police was factual and to protect the interests of the suspect.

17. *Mr. Solari Yrigoyen, Vice-Chairperson, took the Chair.*

18. **Mr. Kälin** said he took it that the sections of the Penal Code relating to crimes such as arson, grievous bodily harm, etc., which could be used in the context of the fight against terrorism if committed in a terrorist attack, would not be abusively applied in the case of, for example, a peaceful legal demonstration which ended in a violent confrontation with the authorities.

19. **Mr. Johnson**, reiterated that in his opinion the different treatment given to female Norwegian prisoners who were breastfeeding and to foreign prisoners in the same situation did in fact constitute discrimination and a violation of the Covenant.

20. **Mr. Wille** (Norway) confirmed that his Government recognized the extraterritorial character of the Covenant and its own obligations thereunder, in accordance with the Committee's General Comment No. 31.

21. **Mr. Ruud** (Norway), noted the Committee's concerns relating to the issue of solitary confinement, pre-trial detention and the retention of prisoners in police holding cells. The latter practice could be attributed to a lack of space in the country's prisons; detainees were usually transferred to a prison within 24 hours, or 48 hours at the most. Statistics kept on such cases showed that, generally speaking, only 1 or 2 prisoners per week spent more than 24 hours in a police holding cell. There was no statutory maximum for the time a prisoner could spend in a police holding cell, but in practice, if no space could be found in a prison, the prisoner was generally released unless he had committed a serious crime. Prisons were operating

at 98 per cent capacity and some 2,500 individuals were waiting to serve their sentences. In order to reduce that backlog, his Government has made it a priority to increase the number of prison spaces by at least 100 per year.

22. His Government's recent legislative proposal aimed at dealing with the issue of racial discrimination on the part of law enforcement authorities had been rejected by Parliament, and its strategy would therefore have to be rethought. He noted, however, that although there had been complaints of discriminatory treatment at the hands of the police in the past, there had been no recent complaints. His Government would continue to work to train police and law enforcement authorities and change the attitudes of the minority of law enforcement officials who might have discriminatory attitudes.

23. He agreed that the focus on combating terrorism could result in human rights violations but had not done so thus far. There were judicial safeguards in place to protect the rights of suspects: when the police requested authorization for surveillance of a suspect, the police had to satisfy a judge that such surveillance was necessary and, although of course the suspect was not present, an independent lawyer was appointed to defend his interests. A parliamentary commission also reviewed the legality of measures adopted in the context of the fight against terrorism. Violence which occurred, for example, in the context of a legal demonstration would not be considered terrorism if there had been no intention to commit a terrorist act.

24. His Government maintained that the different treatment given to female prisoners who were Norwegian citizens versus those of foreign origin, when breastfeeding, did not constitute discrimination. As a general principle, his Government believed that some alternative to prison should be found for children and would continue to try to adopt special measures to address such situations.

Questions 15 to 20

25. **Mr. Wille** (Norway) said the protection needs of asylum-seekers who claimed to be victims of trafficking were assessed; they could be granted refugee status or asylum, or a permanent or temporary residence permit on humanitarian grounds. Since November 2003, five asylum-seekers claiming to have been the subject of trafficking had been granted refugee status and asylum, six had been granted permanent residence permits on humanitarian grounds and one had been granted a temporary residence permit on humanitarian grounds; six applications had been rejected. Victims of trafficking who did not have Norwegian residence permits could be granted a reflection period of 45 days, which was renewable.

26. In order to make it easier for victims of trafficking to obtain a temporary residence permit, the length, and conditions for granting of, temporary permits were being reviewed. A new Immigration Act was likewise being prepared; although it was too early to tell if the new Act would explicitly regulate the right to residence permits for victims of trafficking, the preparatory process for that Act would certainly further clarify the criteria for granting them refugee status.

27. His Government considered the Mental Health Care Act to be in accordance with article 9 of the Covenant. Under that Act, an administrative decision to impose compulsory care must be reviewed; the process was described in paragraphs 94 and 96 of the report. Notification of any such decision must be sent promptly to the autonomous supervisory commission, which verified whether the decision was both procedurally and medically correct. A patient could at any time file a complaint with the commission and was granted free legal aid for that purpose. If possible, the commission took a decision on any complaint within two weeks of receipt thereof. Patients had the right to appeal commission decisions to the courts, and were likewise granted free legal aid for such appeals; the courts were required to give high priority to such appeals. Even if a patient did not file a complaint, the commission must review the decision to impose compulsory care every three months to ensure that treatment remained necessary.

28. With regard to article 2, paragraph 2, of the Constitution, which stated that individuals professing the Evangelical Lutheran religion were bound to bring up their children in the same faith, he said that on 31 January 2006 a government committee appointed to review the relationship between State and Church had submitted its report, which inter alia recommended that the provision should be repealed. His Government was considering how to follow up on the committee's report.

29. Turning to the Finnmark Act, he said that the Act governed the management of land and natural

resources in the county of Finnmark and was aimed at meeting Sami demands for federal legislation that reflected their traditional cultural affiliation with the region. A number of amendments had been included following consultations between the Norwegian Parliament's standing committee on justice and other groups, including the Sami Parliament, which had endorsed the Act. The Act established a new body, called the Finnmark Estate, to which about 96 per cent of the county's land, an area of approximately 45,000 square kilometres, would be transferred. It also established a commission to investigate claims made by the Sami people and a special court to decide on such matters.

30. *Ms. Chanet, Chairperson, resumed the Chair.*

31. **Ms. Indreberg** (Norway) said there were indications that human trafficking to Norway was increasing: in 2005, 30 female adults and two minors had been identified as possible victims of trafficking, although the actual figure might be higher. Most cases involved females trafficked for the purpose of sexual exploitation, many women involved in prostitution were of foreign origin and had no doubt been assisted by pimps and criminals to travel to Norway.

32. A number of measures had been adopted to address that problem, and she referred the Committee to paragraphs 84 and 85 of her delegation's written report (CCPR/C/NOR/2004/5) and paragraphs 114 to 125 of the written responses (CCPR/C/NOR/2004/Q/5/Add.1) to the Committee's list of issues. She underscored the importance of the launching in June 2005 of a revised National Plan of Action to Combat Trafficking in Human Beings (2005-2008), aimed at enhancing multidisciplinary cooperation and facilitating a concerted effort to prevent trafficking, protect victims and prosecute traffickers.

33. At the international level, priority was given to developing effective normative frameworks, curbing recruitment, police cooperation and judicial reform. At the national level, measures to assist the victims of trafficking had the highest priority and included the establishment of a national victim identification and protection system, improved assistance to victims, safe return to and rehabilitation in the country of origin and enhanced efforts to prosecute traffickers. The Director-General of Public Prosecution had issued a circular ordering that cases involving human trafficking be given priority; police divisions dealing with trafficking had received additional funding; and the Police Directorate had issued an investigations manual on human trafficking. Her Government also funded projects targeting groups which were vulnerable to recruitment by traffickers in Central, Eastern and South-Eastern Europe, Russia, the Caucasus and Central and Southern Asia.

34. Two serious trafficking cases, the so-called Trondheim and Oslo cases, had been prosecuted in Norway. In the former, the Supreme Court had sentenced two men to five and three years imprisonment, respectively, for organizing the prostitution of six young Estonian women, one under the age of 18. The man responsible for the recruitment had also been sentenced to five years and six months' imprisonment. The Court had made it clear that the women's consent did not exempt the guilty parties from criminal liability. In the second case, a Georgian man had been imprisoned for 11 years for forcing a Russian and a Latvian woman into prostitution in Norway. An accomplice had been sentenced to five years' imprisonment and two other individuals had been convicted of the crimes of procurement and inflicting bodily harm.

35. Section 185 of the Criminal Procedure Act had been amended in 2002 to require the courts to be more proactive in deciding whether to prolong pre-trial or administrative detention. The prosecution must inform the Court when their investigation would be completed and what aspects of the investigation had not been completed. The relevant authorities would monitor developments to verify whether the amendments were having the intended effect. She also referred the Committee to paragraphs 61 and 154 of her delegation's fifth periodic report (CCPR/C/NOR/2004/5).

36. Turning to the issue of defamation and protection against racist expressions, she recalled that article 100 of the Constitution had been revised in September 2004 to strengthen protection of free speech in a number of fields while at the same time weakening protection for racist and hate speech. In addition, the provisions of the Penal Code concerning defamation were being reviewed in the context of the drafting of a new Penal Code.

37. Article 135 (a) of the Penal Code had been amended in June 2005, taking effect in January 2006, to state that a racist utterance, in order to be

punishable, rather than having to have been made publicly or otherwise disseminated to the public, as had previously been the case, would be punishable if made in a way that could reach a large number of people. That would include messages displayed on Internet pages or on a noticeboard, as well as utterances on television or radio programmes, regardless of whether a large number of people had actually seen, heard or read the message. Furthermore, not only intentional but also grossly negligent violations of article 135 (a) could be punished. The maximum sentence for a violation of article 135 (a) had been increased from two to three years.

38. She noted that the opinion expressed by the Committee on the Elimination of Racial Discrimination regarding the Supreme Court's decision in the Sjølie case, mentioned in the written report (paragraphs 186 to 187), would constitute an important legal reference when interpreting article 135 (a) of the Penal Code. Following publication of the Committee's opinion, her Government had issued a circular on 9 December 2005 which reviewed the opinion and emphasized the need to take it into account when interpreting article 135 (a).

39. **Mr. Ando** asked whether Norway had implemented or envisaged any special measures to ensure the cooperation of victims of trafficking without sacrificing their safety.

40. **Mr. Khalil** said that he would welcome clarification on the proposed amendment to the Criminal Procedure Act to ensure that no detainee had to remain in a police establishment for more than 48 hours after arrest, as, according to NGO sources, in practice the period of custody in a police cell could be extended to 72 hours. Regarding the shortage of prison cells, it was surprising that adequate resources were not in place to deal with the problem more satisfactorily.

41. **Mr. Wieruszewski** said that he hoped the State party had taken into account the views of the treaty bodies when assessing the risk of flight.

42. With regard to the proposed constitutional amendments, he wondered whether article 12 would also be amended, as its current wording contravened certain provisions of the Covenant, particularly article 25. He asked when the proposed amendment would actually be implemented.

43. Although the State party was to be commended for the second phase of the Finnmark Act process, he expressed concern that Finnmark was only one of the traditional Sami areas, and wondered whether a further agreement was envisaged for the rest of the traditional areas. He noted that the Committee's concern that traditional Sami means of livelihood did not appear to enjoy full protection in relation to various forms of competing public and private uses of land remained largely unaddressed, and wondered what the State party planned to do in that regard.

44. Regarding the proposed establishment of an East Sami museum, he would be interested to learn whether the East Sami people had the necessary material resources to develop their culture. He understood that there were problems between the Sami people, as the majority Sami were reluctant to allow the East Sami to have their own land available to develop their traditional culture. The Government's role would be to facilitate the disadvantaged minority within the minority.

45. **Mr. O'Flaherty** requested further information on the role of the reflection period for victims of trafficking who did not have the Norwegian residence permits referred to in the written replies, including how it operated in practice, what the victim was supposed to reflect on, and the results. That question was particularly important given the undesirability of relating support for victims to their willingness to cooperate in criminal proceedings.

46. He would welcome further information on the Roma, who according to one report were the least integrated minority in Norwegian society and suffered the most racism. He wished to know the size of the Roma community and how its marginalization was being addressed.

47. As to the Norwegian Centre for Human Rights, he understood that it did not have the capacity to consider individual complaints, and he wondered whether the Government had considered vesting it with that capacity.

48. **Mr. Amor** said that he had been surprised by the silence of many Governments, including Norway's, with regard to the recently published caricatures of the Prophet Muhammed. Explicit or implicit incitement to hatred, including religious hatred, ran counter to human rights. He would be interested to hear what the

reaction of the authorities had been to the publication in certain Norwegian newspapers of the cartoon.

49. **Mr. Bhagwati** asked whether human rights education was compulsory in schools and, if so, at what levels. He also wondered whether there was any practical element to the subject. He would be interested to hear more about the situation of the Roma community and whether they were in a position to enjoy their culture. As for human trafficking, he wondered what steps were being taken to curb the phenomenon of trafficking in women and children and how victims of trafficking were cared for and rehabilitated.

50. According to the country report, if the person charged had been under 18 years of age when the crime had been committed or was remanded in custody, the hearing would be held within six weeks and an appeal must take place within eight weeks. He would be interested to hear whether those time limits were observed in practice.

51. He would welcome further information on who appointed the members of the Nominating Council which nominated judges, the procedure followed for nomination and how the independence of judges was ensured. He asked whether any action had been taken in exercise of the provisions of Act No. 63 of 15 June 2001, under which cases could be reopened if it was found that the court proceedings had violated a principle of international law and, if so, on what grounds. Finally, he asked whether the Government had any plans to withdraw its reservation to article 14, paragraph 5 of the Covenant.

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

52. **Mr. Wille** (Norway) said that the Committee established to review the relationship between the State and the Church had proposed repealing the second paragraph of article 2 of the Constitution, even though sanctions were no longer imposed for violations of that provision, stating also that the concern expressed by the Human Rights Committee in that regard was reason in itself to repeal it. The question on article 12 of the Constitution was closely related to whether the State Church would be maintained. Given that 80 per cent of Norwegians were members of the Church of Norway, that article, which provided that more than half of the members of the Government should profess the official religion of the State, had not proven particularly controversial. However, if the State Church system was changed, the article would also be amended.

53. One of the purposes of the consultation scheme for the Finnmark Act was to deal with situations of conflict between Sami and other interests. Several provisions of the Act regulated situations of conflict, such as the use of uncultivated land. The Sami Rights Committee had concentrated on the Finnmark area, but a second committee had been established to focus on the other areas, with no fixed deadline for conclusion of its work. The establishment of the East Sami museum had in fact been an initiative of the Sami Parliament, which was significant given the allegations that there was conflict between the East Sami and the Sami Parliament.

54. The Roma population was made up of some 350 to 400 persons, the majority living in Oslo. The Roma had been recognized as a national minority on ratification of the Council of Europe Framework Convention for the Protection of National Minorities. New measures affecting them had been adopted in consultation with the Roma community and the municipality of Oslo, focusing in particular on schooling, which had been identified as a major problem; some 2 million Norwegian kroner had been allocated for Roma education projects in that year's budget. The Roma community received support to participate in international seminars, particularly in the framework of the Council of Europe.

55. The Centre for Human Rights was the national institution mandated to give legal advice in individual cases. It had not been deemed necessary to establish an individual complaints mechanism, but the Centre could assist individuals in formulating complaints or initiating court proceedings.

56. Regarding the integration of immigrants, the system to assess the impact of new housing legislation was to be extended to cover other elements of integration policy, including labour, childcare, health, language skills and participation in elections.

57. With regard to the cartoons republished recently by one Norwegian magazine, the Government had stressed that it condemned any action that expressed contempt for a person on the basis of his or her religion of ethnic origin, and Norway had always supported United Nations efforts to combat religious intolerance. The publication of the cartoon had triggered a debate on freedom of expression in Norway, and the

Government had made it clear that utterances in the media did not reflect it views. The editor of the magazine had apologized and, as the Islamic Council of Norway had accepted the apology, the matter was now considered closed. The situation had highlighted the importance of dialogue between the authorities and immigrant and religious organizations. In that connection, the ministers of Labour and Social Inclusion and Finance had recently organized a meeting with young people of Islamic origin to hear their views on the situation in Norway in the aftermath of the publication of the cartoons. As a result, it had been decided to establish a forum for dialogue between the Government and representatives from different youth orgnizations.

58. **Mr. Ruud** (Norway), in reference to the matter of cooperation with victims of trafficking, said that no special measures on trafficking cases were being taken in that area, but that plans were being made to implement general witness protection measures. Trafficking victims could not be kept anonymous, since traffickers knew their accusers, but witness protection programmes involving new identities and relocation programmes would be used.

59. Regarding the length of pre-trial detention periods, a reform had been adopted requiring the authorities to set a fixed time limit of 48 hours for holding suspects before trial. However, the measure had not yet been enforced because the Government was looking at further steps to ensure that that requirement would be met. The question of building more prison cells, should be addressed to the Ministry of Finance, as the standards for prison cells in Norway were quite high, resulting in a high construction cost per cell. The ultimate goal was to have 20 per cent of prison cells free at any given time so that they could be used for pre-trial detention, rather than holding suspects in police cells. However, realization of that goal was still several years off.

60. Active steps to put a halt to trafficking included international cooperation projects, especially in the victims' countries of origin, as well as coordination with NGOs and international organizations. Bilateral projects in that area were under way with the Republics of Georgia and Moldova.

61. The time limits on investigations and adjudications for accused persons, particularly minors, generally functioned well. In cases where they did not, the Court was required to explain the reason. There had been some appeals, but time limits were largely respected.

62. The procedures for appointing judges had been amended some years ago. Judges were still appointed by the king, but candidates were nominated by a Nominating Council. The Council was appointed by the king and a government body, on the basis of recommendations from associations of judges and lawyers.

63. Supreme Court cases could be reopened for violation of international law or international covenants, but to his knowledge, that had never occurred. Two years earlier, a National Criminal Cases Review Commission had been established, which was empowered to consider any criminal case should a convicted person lodge a complaint. The Commission could decide to reopen a case and refer it back to the courts for a new trial. The Commission had the power to set aside any judgement handed down by the Supreme Court.

64. Regarding the possible withdrawal of Norway's reservations, particularly those referring to article 14, paragraph 5, of the Covenant, his Government still had concerns with the Court of Impeachment, whose decisions could never be appealed. Of course, those concerns were theoretical, since that Court had not functioned since 1927.

65. **Ms. Vardøy** (Norway) explained that the reflection period was a measure which had been adopted in May 2004 to help victims avoid traffickers and the trafficking situation. Victims were given a period of 45 days to permit them to reflect on whether or not to report a trafficker to the police. The reflection period could be invoked if a person was in fact believed to be a victim, if the victim was ready to cut ties with the trafficker and if he or she wanted help and information in order to escape from trafficking. The reflection period had been invoked only five times, and a new plan of action on trafficking recommended that the reflection period should be re-examined. The reflection period was not a substitute for asylum.

66. **Mr. Ruud** (Norway) said he did not have exact figures on the number of prison inmates per 100,000 population, but the numbers were low, compared with those in other parts of the world, and remained stable. The authorities were seeking alternatives to prison terms, such as community service, and were working to

reduce the number of crimes punishable by prison sentences.

67. **The Chairperson** thanked Norway for its report and the answers provided by the delegation, noting that all of the Committee members had commented on the high quality of the report and the answers, both written and oral. Comments submitted since the last report had been taken into account. Particularly impressive was Norway's serious attitude towards religious education.

68. Perhaps the right to call for a case to be reopened, if it involved human rights violations or violations of international law, could be extended to the Committee in cases such as those described in the communications.

69. Among the positive aspects noted was the fact that in cases of domestic violence, Norway was considering making the violent husband leave the family home rather than the wife. Also on the positive side was the Sami convention that Norway had concluded with other Scandinavian countries.

70. The so-called Second Chance Plan was still in the early stages, so its impact on discrimination had not yet been measured.

71. There were also negatives, including the matter of reservations, on which little progress had been made. The measures concerning solitary confinement were harsh, and it was difficult to understand how they were justified. Certainly, some deprivation of television, radio, visits and mail made sense for the proper conduct of an investigation, but Norway's measures were quite broad and lasted for weeks. It was hard to see how this could be considered legitimate.

72. In terms of defining terrorism, Norway was running up against problems which other States had encountered before, having to do with subjective matters such as intentionality. Definitions of terrorism tended to be either too narrow or too broad.

73. Concerning detention conditions, the Committee was uncomfortable with the fact that the rule that preliminary detention should not exceed 24 or 48 hours was a target rather than a guideline; the rule therefore violated article 9 of the Covenant. Even the Norwegian Bar Association had denounced the rule, as had the European Commission for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

74. The caricature affair was another issue which raised some concerns. Norway had chosen the route of persuasion rather than repression, but it was important to be aware that the publication of the cartoons violated article 19, paragraph 2, and article 20, paragraph 2, of the Covenant. It was up to the State to prevent such hate speech on its territory.

75. **The Chairperson** said that Norway had the resources to use electronic means of surveillance such as electronic bracelets. Such devices could be used to avoid applying a double standard to Norwegian versus immigrant women prisoners as far as breastfeeding their infants was concerned.

The meeting rose at 5.52 p.m.